

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5803-01
Bill No.: SB 794
Subject: Economic Development; Economic Development Department; Tax Credits;
Taxation and Revenue- Income
Type: Original
Date: February 29, 2012

Bill Summary: This proposal establishes the Missouri Works Program that provides tax incentives for qualifying companies.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
General Revenue	\$0 to (Unknown greater than \$25,486,226)	\$0 to (Unknown greater than \$47,491,417)	\$0 to (Unknown greater than \$64,240,919)
Total Estimated Net Effect on General Revenue Fund	\$0 to (Unknown greater than \$25,486,226)	\$0 to (Unknown greater than \$47,491,417)	\$0 to (Unknown greater than \$64,240,919)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses. This fiscal note contains 10 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Total Estimated Net Effect on FTE	0	0	0

☒ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials at the **Budget and Planning** assume this proposal creates the Missouri Works business incentive program, which sunsets six current business incentive programs and creates one new incentive program. The cap for the new Missouri Works program is \$111 million in FY13, \$126 million in FY14, and \$141 million in FY15 and beyond. This proposal could therefore lower General and Total State Revenues by the amount listed for each fiscal year.

The legislation sunsets the following tax credit programs: New and Expanded Business Facility, Business Use Incentives for Large Scale Development (BUILD), Development, Rebuilding Communities, Enhanced Enterprise Zone, and Missouri Quality Jobs. The aggregate cap on tax credits for the programs being phased out under this proposal totals at least \$143 million annually (New and Expanded Business Facility is not currently capped). The negative impact noted above could be offset by the amount the sunset programs have been utilized historically.

As with the existing Missouri Quality Jobs program, retained withholding benefits would not be subject to the annual tax credit cap under this proposal. This will have an unknown negative impact on General and Total State Revenues.

The new Missouri Works program may encourage other economic activity, but BAP does not have data to estimate induced revenues. The Department of Economic Development may have such an estimate.

Oversight assumes the creation of this new program outlined in this proposal may have a positive impact on the state. However, Oversight considers this to be indirect impact of the proposal and will not reflect it in this fiscal note.

Officials at the **Department of Revenue (DOR)** assume OA-ITSD will need to make programming changes to various tax systems and form changes. The estimated cost of the changes is \$22,260 for 840 FTE hours.

Additionally, DOR's Personal Tax Division will need one Revenue Processing Technician I (\$25,380) per 4,000 additional tax credit redemptions. The Corporate Tax Division will need one Revenue Processing Technician I (\$25,380) per 6,000 additional tax credit redemptions and one Revenue Processing Technician I (\$25,380) per 7,800 pieces of additional withholding correspondence processed.

Oversight assumes OA-ITSD (DOR) is provided with core funding to handle a certain amount

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ASSUMPTION (continued)

of activity each year. Oversight assumes OA-ITSD (DOR) could absorb the costs related to this proposal. If multiple bills pass which require additional staffing and duties at substantial costs, OA-ITSD (DOR) could request funding through the appropriation process.

Oversight assumes DOR's Personal & Corporate Tax Divisions could absorb the responsibilities of this tax credit with existing resources. Should DOR experience the number of additional tax credit redemptions to justify another FTE they could seek that FTE through the appropriation process.

Officials at the **Missouri Development Finance Board (MDFB)** assume this proposal would eliminate the BUILD program. For BUILD, the annual cap is \$25 million. Project issuances are spread out over 15 years. Actual credit issuances for FY 09, 10 and 11 are \$5.6 million, \$9.7 million and \$10.2 million. There are currently 34 previously approved businesses (and 5 pending approval) that will receive benefits through 6/30/2029. Total credits authorized to be issued over the next fifteen years is estimated at \$96.1 million. Authorizations of BUILD in FY 09, 10 and 11 have been \$8.2 million, \$9.3 million, and \$23.4 million. This has resulted in an incremental increase of \$.540 million, \$.630 million and \$1.9 million over the next 15 years. MDFB estimates a fiscal impact for the BUILD program at zero as all previously approved projects will continue to collect credits as long as they uphold their contractual obligations.

Officials at the **Department of Economic Development (DED)** assume this proposal creates the Missouri Works Program under Section 620.2000 to be administered by DED's Division of Business and Community Services (BCS).

The Missouri Works program would operate in a similar fashion to the current Missouri Quality Jobs program by providing performance-based benefits in the form of retained withholding taxes and tax credits to qualified companies that create new jobs. The proposal also authorizes the award of additional discretionary tax credits to qualified companies that create jobs and investment that provide a net fiscal benefit to the state, similar to the existing BUILD program. The Missouri Works proposal mandates a positive net fiscal benefit to the state for any award of discretionary tax credits and requires DED to report quarterly to the General Assembly the positive net fiscal benefit of each project awarded, which will ensure that discretion is exercised in accordance with this directive.

ASSUMPTION (continued)

Eligibility requirements and available benefits under the proposal are summarized below:

New Jobs 5-6 Year Benefit	Minimum Eligibility	Entitlement Benefits	Max. Additional Discretionary	Maximum Possible
Enhanced Enterprise Zones	<ul style="list-style-type: none"> o 2 new jobs o 80% county average wage-\$100K 	withholding 5 year benefit (6yrs for 10-yr MO business)	\$0	\$0
Dormant Manufacturing Plant Zones	<ul style="list-style-type: none"> o 2 new jobs o 80% county average wage 			
Targeted Industry	<ul style="list-style-type: none"> o 10 new jobs o 90% county average wage 	Withholding + 3% Tax Credits (Max 6%) 5 year benefit (6yr for 10-yr MO business)	Up to 6% Tax Credit Up to 5 yrs	Up to 12% 5 year benefit (6yr for 10-yr MO business)
Non-Targeted Industry	<ul style="list-style-type: none"> o 20 new jobs o 90% county average wage 	Withholding + 2% Tax Credits (Max 5%) 5 year benefit (6yr for 10-yr MO business)	Up to 4% Tax Credit Up to 5 years	Up to 9% 5 year benefit (6yr for 10-yr MO business)

The Missouri Works Program proposal phases-out the six current business incentive tax credit programs, which include: Missouri Quality Jobs (620.1875), Enhanced Enterprise Zone (135.950), Business Use Incentives for Large-Scale Development (BUILD) (100.700), Development Tax Credit (32.100), Rebuilding Communities Tax Credit (135.535), and Business Facilities Tax Credit (135.100). Projects previously offered benefits under these programs may continue to receive such benefits, but no new awards may be made under these programs.

The aggregate cap on tax credits for the programs being phased out under this proposal totals at least \$143 million annually. The proposed Missouri Works program imposes a hard cap on tax credits that reaches \$141 million when fully phased-in. However, recognizing the outstanding

ASSUMPTION (continued)

obligations under the current programs being phased out, the proposal reduces the annual statutory caps by the amount of the existing tax credit obligations under the current programs.

The chart below reflects the statutory maximum annual statutory tax credit cap under the proposal and the annual caps of the six programs being phased out.

SUNSETS

Quality Jobs (E)*	\$80M
Enhanced Enterprise Zone (D)*	\$24M
BUILD (D)	\$25M
Development Tax Credit (D)	\$ 6M
Rebuilding Communities (E)	\$ 8M
Business Facility (E)	<u>No cap</u>
TOTAL CURRENT CAPS	\$143M+

E-Entitlement, D- Discretionary

CREATES MISSOURI WORKS

(Annual Tax Credit Cap)

FY 13	\$111M
FY 14	\$126M
FY 15	\$141 M

The aggregate cap on tax credits for the programs being phased out under this proposal totals at least \$143 million annually (not all of the programs being phased out are currently capped). The proposed program imposes a hard cap on tax credits that reaches \$141 million when fully phased-in. However, recognizing the outstanding obligations under the current programs being phased out, the proposal reduces the annual statutory caps by the amount of the existing tax credit obligations under the current programs. DED assumes that this would result in an effective annual tax credit cap significantly lower than the annual statutory cap on tax credits until such time as the existing obligations under the current programs have been completed. DED assumes that the existing obligations that would reduce the annual statutory cap would include (1) tax credits that have been offered to companies under the current programs but not yet accepted; (2) tax credits that have been offered to companies under the current programs and accepted but not yet authorized; and (3) tax credits that have been authorized and/or issued under the current programs but not yet redeemed. DED assumes that obligations of tax credits in any of these three categories that are ultimately not utilized (e.g. the company does not accept the offer, the company accepts the offer but never creates the necessary jobs for the tax credits to be issued,

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ASSUMPTION (continued)

etc.), could be utilized for proposals for benefits under this new program, although in no event could awards exceed the hard statutory cap. As under the existing Missouri Quality Jobs program, retained withholding benefits would not be subject to the annual tax credit cap under this proposal.

The chart below reflects the statutory maximum annual statutory tax credit cap under the proposal, the amount obligated as of February 28, 2012 under the current programs being phased out under this proposal, and the effective annual amount of tax credits that may be authorized for the specific fiscal year under the proposed program.

Fiscal Year	Maximum Annual Tax Credit Cap	Obligated under Current Programs	Effective Annual Tax Credit Cap
FY13	\$111,000,000	\$85,513,774	\$25,486,226
FY14	\$126,000,000	\$78,508,583	\$47,491,417
FY15	\$141,000,000	\$76,759,081	\$64,240,919

It is unknown how many qualified companies would seek and be eligible for benefits under this program. With respect to the entitlement benefits under this proposal, DED estimates an unknown positive fiscal impact of greater than \$100,000, because projects awarded such benefits are anticipated to provide an overall net fiscal benefit to the state, even if not every individual project would have a net fiscal benefit to the state. Similarly, DED estimates a positive fiscal impact of greater than \$100,000 for any discretionary tax credits awarded under this proposal because the award of any such tax credits is restricted to projects having a net fiscal benefit to the state.

Oversight assumes it is unclear how many companies will qualify for the withholding tax so Oversight will show in the fiscal note the cost to General Revenue as \$0 to Unknown. Since the tax credits are capped each fiscal year and the number of unobligated credits is known, **Oversight** will show the loss of the tax credit revenue to General Revenue as \$0 to the unobligated amount.

Officials at the **Department of Higher Education, Joint Committee on Administrative Rules** and the **Office of State Treasurer** assume there is no fiscal impact from this proposal.

Officials at the **Metropolitan Community College** assume an unknown negative impact on the College.

ASSUMPTION (continued)

Officials from the **Department of Insurance, Financial Institutions and Professional Registration (DIFP)** state it is unknown how many insurance companies will choose to participate in this program and take advantage of the tax credits. The department has no means to arrive at a reasonable estimate of loss in premium tax revenue as a result of tax credits. Premium tax revenue is split 50/50 between General Revenue and County Foreign Insurance Fund except for domestic Stock Property and Casualty Companies who pay premium tax to the County Stock Fund. The County Foreign Insurance Fund is later distributed to school districts through out the state. County Stock Funds are later distributed to the school district and county treasurer of the county in which the principal office of the insurer is located. It is unknown how each of these funds may be impacted by tax credits each year.

DIFP will require minimal contract computer programming to add this new tax credit to the premium tax database and can do so under existing appropriation. However, should multiple bills pass that would require additional updates to the premium tax database, the department may need to request more expense and equipment appropriation through the budget process.

Officials from the **Office of the Secretary of State (SOS)** state many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$2,500. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, the SOS also recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the office can sustain with the core budget. Therefore, the SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process.

<u>FISCAL IMPACT - State Government</u>	FY 2013 (10 Mo.)	FY 2014	FY 2015
GENERAL REVENUE			
<u>Revenue Reduction</u> - withholding taxes	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<u>Revenue Reduction</u> - tax credits	\$0 to (\$25,486,226)	\$0 to (\$47,491,417)	\$0 to (\$64,240,919)
ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>\$0 to</u> <u>(Unknown</u> <u>greater than</u> <u>\$25,486,226)</u>	<u>\$0 to</u> <u>(Unknown</u> <u>greater than</u> <u>\$47,491,417)</u>	<u>\$0 to</u> <u>(Unknown</u> <u>greater than</u> <u>\$64,240,919)</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2013 (10 Mo.)	FY 2014	FY 2015
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

This act establishes the Missouri Works Program which combines six existing business incentive programs and will provide tax incentives for job creation and capital investment.

The Missouri Works Program is established to provide tax incentives in the form of retained withholding taxes and refundable income and financial institutions tax credits for qualified companies. The program provides both entitlement and discretionary benefits for qualified companies that offer health insurance to all employees and pay at least fifty percent of the premiums. Tax credits provided under the program are fully transferrable and must be used within one taxable year following the close of the taxable year in which they are issued.

The act prohibits the approval of new projects after the effective date of the act, under the Quality Jobs, Enhanced Enterprise Zone, BUILD, Development, Rebuilding Communities, and Business Facilities programs.

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FISCAL DESCRIPTION (continued)

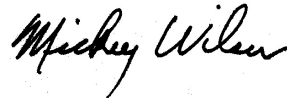
The total amount of all tax credits authorized for each fiscal year under the Missouri Works Program including any outstanding authorizations for tax credits under the six programs prohibited from approving new projects after the effective date of the act, cannot exceed:

- 1) \$111 million for FY 2013;
- 2) \$126 million for FY 2014; and
- 3) \$141 million for FY 2015 and each subsequent fiscal year.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Budget and Planning
Department of Economic Development
Department of Higher Education
Department of Insurance, Financial Institutions and Professional Registration
Department of Revenue
Joint Committee on Administrative Rules
Metropolitan Community College
Office of the Secretary of State
Office of State Treasurer



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February 29, 2012